

353.9
OK43
1911 Jan 9

LIBRARY
OF THE
UNIVERSITY OF ILLINOIS

Inaugural Address

JANUARY 9, 1911

AND

FIRST MESSAGE

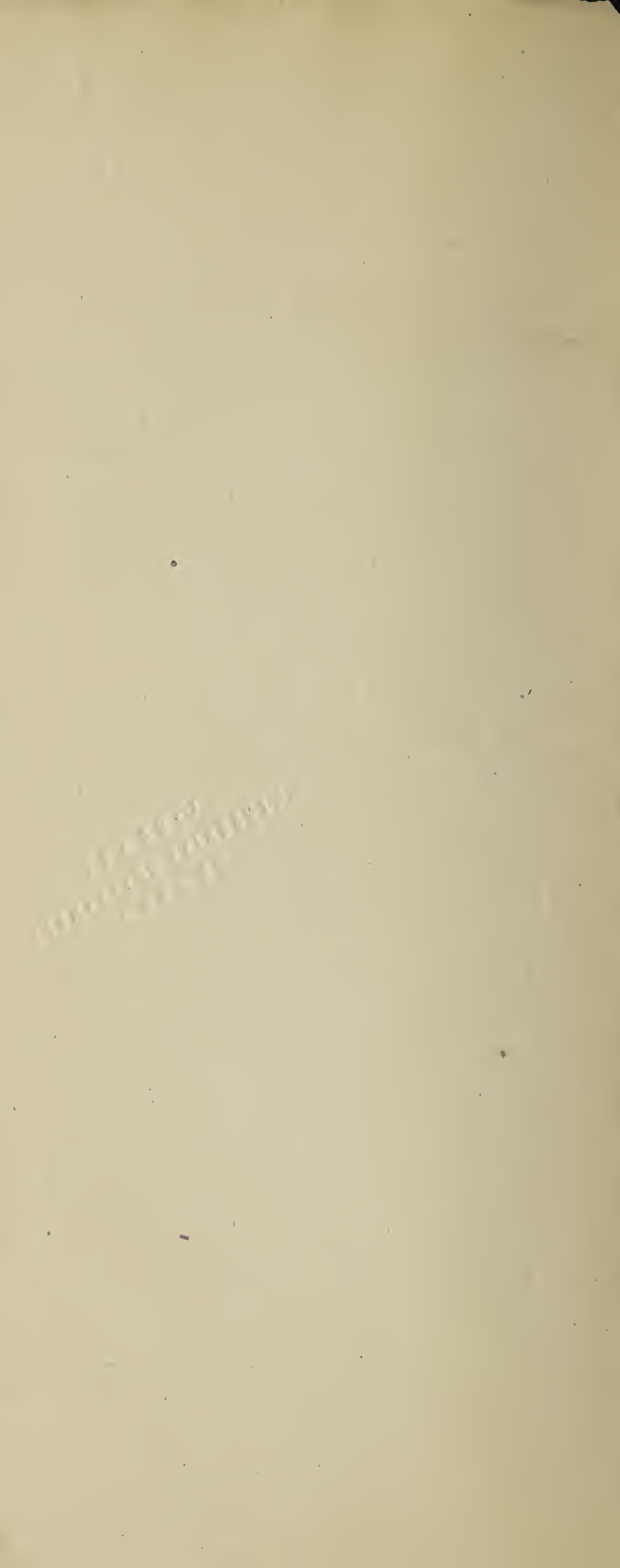
OF

GOVERNOR LEE CRUCE

TO THE

**Third Legislature
of Oklahoma**

JANUARY 10, 1911



Inaugural Address

Ladies and Gentlemen:—In speaking to you today I am following a custom that has prevailed with the Chief Executive of the States since the foundation of our Federal Government. The occasion demands, and my inclinations compel, that I be brief in my remarks. On November the 16th, 1907, the proclamation of President Roosevelt ushered into political being the State of Oklahoma. Already the people had adopted a Constitution to protect their rights and safeguard their liberties. This Constitution has been variously appraised by those who have read and studied it. Its enemies characterize it as novel, radical and vicious; while its friends claim for it a degree of perfection not hitherto attained in the organic law of any sister State. Let us see which, if either, is right in the estimate placed upon that document.

We assert that there is nothing radical or strikingly new in our constitution. We have simply acted the part of wise citizens and have attempted to profit by the experience of others, and in writing our fundamental law we have embodied in it the best provisions to be found in other State Constitutions, so that Oklahoma's Constitution is the condensation, into a single instrument, of the best and most vital provisions to be found in forty-five other State Constitutions.

There is hardly a provision to be found in it that has not its counterpart in some other State Constitution. So the charge that we are trying new theories and experiments in government is absolutely without foundation. We have embodied in our organic law the fundamental principles of free and just government—principles that were first announced, established and practiced by the fathers of the Republic; and must continue to prevail as long as free government endures. That practical operation under this constitution is conducive to good government, is abundantly established by the unprecedented growth and development witnessed in the state since statehood. The net increase in our population during these three years exceeds the increase in each of twenty-five other states of this Union in twenty-five years, and during these three years the taxable wealth of Oklahoma has increased above an average of nearly one hundred million dollars a year until today the total taxable value of property in this commonwealth aggregates the tremendous sum of

almost one billion dollars. This growth in population and material wealth has been accomplished during a period of national financial depression, supplemented by disastrous crop failures, and the most merciless and unwarranted attacks of the State's enemies ever witnessed in political history.

But it is needless to recount the achievements of the past. These things are known to all of our citizens who have informed themselves upon conditions present and past in this state. I have alluded to them in the hope that a better understanding of our laws and Constitution may prevail among the people in other states. I wish it were possible to place in the hands of every fair minded citizen in this Republic a copy of the organic law of this State, to the end that a proper estimate might be placed upon the same and justice done our people.

Our real interest now lies in the immediate future. Standing here upon the threshold of a new administration, in the presence of men of all shades of governmental and political beliefs. I am overwhelmed with the realization of the responsibilities and prosperity of more than one million six hundred thousand people, which number will rapidly increase in the future, are in some measure dependent upon my acts. Unaided, no man is strong enough, mentally or physically, to successfully cope with the problem. It is upon this idea of the inability of a single individual to give the best government that our institutions are erected. Hence we repudiate the doctrines of kings and advocate rule by the people. I want the idea of "government by the people" to prevail in its broadest interpretation in Oklahoma for the next four years. There is work for each of us to do, and if we are to obtain the best results, there must be no shrinking or responsibilities. I am but a chosen servant to lead in the work we have in hand, and it is in this sense that I enter upon by public service.

It is your duty to aid me in every honest endeavor I make, looking to good government in Oklahoma. With this support, my administration will attain some measures of success. I realize full well that my political views are not in accord with many of you; but I also realize that our obligations to the whole people transcend any party obligation we can ever incur; and in this broader conception of our public duties we can find common field in which to labor for the people's welfare.

The battle of ballots is ended; the contest between parties, for the present at least, is over; now let us all join hands, and as patriots, not as partisans, work zealously for the common good. I am entitled to the encouragement and support, during the coming four years, of every good citizen of Oklahoma, without regard to his creed or his politics. I invite this support, and expect it, and will be bitterly disappointed if I do not receive it. Since my election I have been agreeably impressed with the great number of letters I have had from men in every walk of life, pledging me their support and hearty co-operation during my administra-

tion, and many of these letters have come from leading members of the Republican party. With that spirit animating the people of Oklahoma, I am encouraged to go forward in the discharge of my public duties, assured that I shall have the counsel and support of men of all political opinions.

Just a word to the press of the state: You can make or destroy the glory of Oklahoma's future. No other factor in the State wields such a powerful influence. It is therefore highly important that that influence be exerted in the direction of better government and a greater State. I have small complaint to make of the treatment I have received from the newspapers of this state. With few exceptions, they have treated me with courtesy and fairness, and in the instances where the reverse is true, I have attributed the fact rather to political zeal than a deliberate desire and intention to injure me.

But whatever may have been the motive, these things, with me, are in the past; let the past retain its own. For the future I ask the aid of every paper published in this state, in building here a great and prosperous commonwealth. When I make mistakes, and I am sure that I will make too many of them, I expect your criticism. Merited criticism, if given in the proper spirit is useful and helpful and I shall try to profit by it. If I merit your commendation, an expression of your approval will be appreciated, and will help to lighten the load that I must bear and make smooth the way I must travel.

I shall not undertake to define in detail my policies for the future. I will only say this much. It shall be my purpose to work incessantly for the good of Oklahoma's citizenship, and for the greatest possible development of the resources of the state. To the timorous investor abroad, I want to send this message: As long as I am governor of Oklahoma, your investments in this state, if they are honest investments, and made in observance of our laws, will be as sacredly observed and safeguarded here as anywhere on the face of the earth. Capital and labor should be friends. Both are sorely needed in the future development of the State, and neither shall unduly harrass the other if I can prevent it. More railroads with better equipment; more factories with better appliances, greater development of vast mineral resources, with greater safety to employes; more employment of labor with better wages; an educational system meeting the needs of an advanced citizenship; a continued development of the agricultural interests, giving greater comfort and happiness to the farmers of the State, will be the slogan for Oklahoma during the next four years.

My politics is well known to you all. I was elected as a Democrat, but I shall not be a partisan in the administration of the affairs of the State. I shall look at all times to the greatest good to all the people. Under no conditions will I sacrifice the welfare of the public to the interest of any political organization. In appointing men to office, merit and honesty alone will govern me. If I make a mistake in

the appointment of any man to office, that mistake, as soon as it is discovered, will be promptly corrected by the removal of the incompetent or corrupt official.

I think I will trespass a few minutes further upon your time by referring to my future attitude towards the prohibition law in this state. I have so repeatedly stated that I favored the enforcement of every law upon the statute books that it would seem needless for me to repeat here that declaration. But our people have so constantly fought over the prohibition law of the State that I feel that a special reference to that law is desired by the public. While I am governor every power given into my hands by the Legislature and the people of the state will be exhausted in an endeavor to give to the people an honest and effective enforcement of that law. I am not a fanatic on the question of prohibition, and no fanatacism will be exhibited by me in attempting to enforce that law; but so long as it remains one of the laws of this State, in the discharge of my sworn duties, I will attempt faithfully to enforce it. In this endeavor I am entitled to the active help and support of every citizen who believes in law enforcement. Twice the people have decided in favor of that law, and it is certainly entitled to as much consideration, on the question of enforcement, as any other law in this State. To those who purposely violate this law, I want to give this warning: You must pay the penalty which the law imposes. Don't violate the law, harboring the hope that you will find an escape, through the medium of a pardon, from the penalty you have voluntarily and willfully incurred. This much the governor can do to aid in the enforcement of the law—he can make certain the punishment, after conviction, by withholding pardon. If you violate this law, you had better defeat the case against you in the court, for you will stand little chance to defeat justice, after conviction, by obtaining a pardon at my hands.

And now, my fellow citizens, let us set ourselves to the work to be performed—the building of an ideal commonwealth, a commonwealth of comfortable homes and contented people; where every man shall reap and enjoy the fruits of his toil; where capital shall find safe and profitable investment without oppressing the poor; where virtue shall be exalted and vice abased; where there shall be a realization of the hope of the ages and the dream of the past, “government of the people, for the people and by the people.” This cannot be accomplished in a year, nor in four years, but we can start the forces moving which will tend to that end. In this field there is need for all, and the man who withholds his help is not a friend to Oklahoma.

Imploring your help, and with a firm reliance upon Him who has been the friend and preserver of our nation in the generations of the past, and who will aid us in the future, if we but place our trust in Him, I enter upon the duties of the office determined to do my best to merit the confidence reposed in me by the people in electing me to be their governor.

I thank you.

MESSAGE

To the Members of the Third Legislature in Regular Session Assembled

Gentlemen:—I submit this message to you with a feeling of hesitancy. My term of office has just begun, and it is impossible for me to know the needs of the various departments of the State, for which your duty requires you to legislate. As fast as possible, I shall acquaint myself with the conditions of the different departments; the legislation needed, and will supply you with the facts. There are, however, certain matters that I desire to call to your attention at this time. The majority of you were elected upon platforms embracing distinct promises to the people. These pledges should be faithfully redeemed. No man, who is worthy to hold a seat in the legislature of Oklahoma, will now undertake to ignore or vary the terms of the compact he made with the people prior to election.

Education.

Much time has been given to the subject of education by previous Legislatures of the State, and much substantial progress has been made along these lines; but there is much yet to be accomplished if we are to give to the people of this State the best possible system of schools, and a system that they are entitled to have prevail. The wealth of the State is unevenly distributed, and will likely continue to be as long as time shall last. It follows that we have districts of large taxable values, where an insignificant tax will maintain good schools nine months in the year; while in other districts the taxable wealth is so small, that a tax rate sufficient to maintain a proper school for three months becomes burdensome. In some districts the tax on public service corporations, yields large sums of money for educational purposes. While in many less fortunate districts no revenue whatever is derived from this source. Under these conditions, progress halts in these unfortunate districts. The citizen of another State, coming into our midst to abide with us, naturally seeks a home in the district where the taxation bears lightest, and school advantages are best.

For these conditions to remain; mean an unevenly balanced citizenship; one class educated

and well equipped for useful citizenship, the other class poorly educated, and ill prepared to do their rightful part in building the State. It is manifestly impossible to distribute evenly the wealth of the State among the various school districts, but we can more evenly distribute the benefits of this wealth that arises in the form of taxation. You are being asked to appropriate hundreds of thousands of dollars to care for the criminal and pauper classes of the State, and these demands grow larger and more burdensome each year; but it is a burden that bears with uniform weight over all sections of the commonwealth. It is certainly as just to tax the citizen of Oklahoma City to help educate the boy of Carter County, as it is to tax the citizen of Oklahoma County to help provide the care for the criminal of Carter County. Besides it is the practice of good business methods. Better educated citizenship will result in fewer criminals to provide for, and a less number of paupers to support by the State. I therefore urge that you levy a tax for public school purposes that will be sufficient, when supplemented by the interest on the invested school fund, and rentals on public school lands, to provide not less than five months school in each district in the State.

The Constitution of this State provides that, "The supervision of instruction in the public schools shall be vested in a Board of Education, whose powers and duties shall be prescribed by law," and until otherwise provided by law, the Governor, Superintendent of Public Instruction, Secretary of State and Attorney General constitute the Board. Three years have gone by without any serious attempt on the part of the Legislature to vitalize this important section of the Constitution. Oklahoma has a splendid opportunity to inaugurate and maintain a system of education suited to the needs of our people, and thoroughly efficient in all of its details. That we have no such system now and cannot have under our present laws, is manifest to every man who has given the subject serious thought. A half dozen different educational boards, at the heads of different departments of educational work, each having its peculiar idea of the fitness of things educational, and no two agreeing in detail or purpose, are creating a state of confusion in this department of government that will soon be unbearable. There is no correlation among our higher educational schools, and will be none under present conditions. The result is duplication of work and wasteful extravagance that should be speedily checked. The only hope that I can see for a correction of these conditions, lies in the creation of a Board of Education, and vesting it with adequate powers to deal with all matters educational. I realize that an honest attempt on your part to deal with this subject will meet with stubborn and serious opposition. Certain localities, profiting by the present system, will oppose any change, and if change does come, will try to so modify the law, as to make it ineffective; but the interest of all the people should prevail, rather than that special favor should be shown to the few. Now is the time to act in the matter. Delay has already

seriously crippled the educational interest of the State, and further delay is likely to prove ruinous.

Therefore, in the interest of the five hundred thousand school children of this State, and the future general welfare of the public school system of Oklahoma, I beg you to pass a law creating a Board of Education, as the Constitution provides. This Board of Education, when properly clothed with authority, can work out an adequate system of consolidated rural high schools; a system that must prevail in this State if any adequate measure of justice is meted out to the rural portions of our population.

Election Laws.

The present primary and general election laws were passed by the First State Legislature; and at that time were evidently thought to be adequate to the needs of the people. Two unsuccessful attempts have since been made to amend or modify these laws. Unmerciful and unjust criticism has been hurled at these laws, until deep-seated dissatisfaction prevails among our people, and the demand for changing these laws comes from all classes and all political parties. Too much care cannot be exercised in framing a law to properly protect and maintain the integrity of our elections. However, I would not have you think that I believe a law can possibly be drawn that will meet with no criticism. No matter how perfect it may be, it will find its critics immediately following the first election held thereunder; and these critics will, in a large measure, be confined to the list of defeated candidates. It has become almost a universal custom for a defeated candidate to charge his defeat, either to the rascality of his successful opponent, or to the imperfections or unfairness of the election law. It is rare indeed that the unsuccessful candidate is willing to attribute his defeat to its real cause—the desire of a majority of the voters to have some other candidate than himself fill the office to which he aspired. So you need not hope to pass a law that will escape criticism; but you can enact one that will meet with the approval of a vast majority of the voters of the State, and after all, it is the voters' interests that are to be looked after, rather than the candidates' desires.

In forming new election laws, or amending the present laws, I suggest that you simplify the laws as much as possible; writing it in as little space and as clear language as you can, so that the masses can read and understand it. Knowing full well that you can frame no law that will not in some instances be violated, I would ask that you attach severe penalties for its violation, so that adequate punishment may be meted out to the person who violates it.

Banking.

No radical changes are needed or demanded in the banking laws of the State. Our laws have been built around the fundamental idea of protecting the depositor who commits the safety of his money to the keeping of our State bankers. We have the best law under which to build a safe and sound banking institution, that has ever been passed in the Republic.

There is one amendment, however, that I urge you to make in the interest of better banking conditions in the State. The real results to be obtained from any law, lie in the proper administration of that law. No matter how much of merit a law possesses, if it be imperfectly administered, abuses are liable to prevail. The present laws are under the administration of a banking board, composed, ex-officio, of State officials. It is no disparagement of the ability, integrity or good intentions of any of these officials to say that the banking interests of the State would be better served if our banking laws were administered by a differently constituted board. These State officials have all the work that they can possibly properly do, attending to the duties of the office to which the people have elected them, and they cannot give the needed time and attention to their duties as members of the banking board, without seriously neglecting their other official duties.

The State banking business of Oklahoma has already assumed vast proportions. On November 10th, 1910, there were six hundred and ninety-three banks, with total assets of \$76,394,089.70. With such a vast aggregate of resources, constantly increasing and touching and influencing every artery of legitimate business in the State, too much care cannot be exercised in dealing with the subject. To handle the problem safely and to the best advantage of the people, men well qualified to cope with the subject, and with ample time to devote thereto, should be placed in charge. In the proper conduct of the banking interests of the State, partisan politics should have no place. It is a business affair, pure and simple, and should be entirely and eternally removed from the realm of party politics. I therefore urge that you so amend the present banking laws, as to provide for the appointment of a board, consisting of three members who shall have entire supervision over the banking laws of the State. I also recommend that the law be changed, so as to provide that assessments made upon banks for the use of the guaranty fund, be kept on deposit in the banks contributing same, under terms and conditions that will insure its payment on demand, when needed by the banking board.

Prohibition.

There can no longer be honest doubts in any mind that the people of this State favor prohibition. On two occasions the voice of the people has unmistakably spoken in its favor. It is now the duty of the Legislature and this administration to see that these demands are heeded. It serves no good purpose to try to disguise the fact, that the enforcement of the law in this State has been unsatisfactory to the people. The fault, however, has not been with the state administration, but with the law itself. The powers given the Governor have been entirely inadequate. The best the Governor can do, under the present law, is to send enforcement officers from one community into another, to try to enforce laws that local officials fail, and, occasionally, wilfully refuse, to enforce. These imported officials enter the

community with all the influence these local officials and their friends can command, thrown in their way, to hinder and obstruct them. Coupled with this is the natural resentment that an Oklahoman holds against the system. As citizens of the two Territories prior to State government, we fought so constantly against the idea of imported officials, that the doctrine of local self-government has become a fixed principle with nearly all of us. Yet the State and Legislature owe a duty to the good people of this State, and the law-abiding citizens in every community, no matter how much they may be in the minority, are entitled to the protection of the law. If local officials fail to give this protection, the State must give it; otherwise, just and righteous government is a farce and a failure.

Again I regard the present law inadequate in this: We refuse the individual the right to deal in intoxicating liquors, holding that the same is wrong, yet in a collective capacity, we have established dispensaries, where the State handles these outlawed liquors, and that, too, in the face of the fact that the people of the State by popular vote, declared against the dispensary system. If it is wrong for an individual to sell intoxicating liquors, it is wrong for an aggregation of individuals to sell them, though you try to disguise the individuals by calling them "the State." I therefore recommend that you abolish the dispensary system in this State, and give the power to some responsible State official to remove any officer in the State, whose duty it is to enforce this law, who fails or refuses to enforce it. With these amendments effective, I am sure that more satisfactory results will be obtained.

One of the chief hindrances to the proper enforcement of this law, is the prevailing practice of gambling in the State. A large percentage of the violation of this law of prohibition, is directly traceable to this cause. If you will abolish gambling you will decrease crime fifty per cent in this State. Of course, no one believes that you can pass a law that will entirely stop gambling, but you can lessen the evil. As a means to this end, I recommend that you make it a felony for any man to run a gambling house in this State. When you have passed such a law, you have discharged your duty in the matter. The responsibility for results will then be placed upon other officials and the people of the State who believe in law enforcement.

Reapportionment.

It will be your duty to redistrict the State for Legislative, Judicial and Congressional purposes. Of course, nothing can be done towards establishing Congressional Districts until Congress shall establish the basis of apportionment, but this should not cause any delay in fixing Legislative and Judicial Districts. In the matter of redistricting the State for all of these purposes, I trust, a spirit of fairness will characterize your actions. No political party can permanently profit by practicing manifest unfairness. The history of other States, teaches us that honest men, in all parties resent outrageous gerrymandering. In no

State in this Union are there to be found a larger percentage of fair-minded people than live in Oklahoma. Your duty as Representatives of the people, is to the entire citizenship of this State, and not to any portion of that citizenship. No matter how zealously we may serve any political organization, if thereby we fail to render just service to all the people, we have failed to perform our real duty. Nor has any political party the right to demand or expect that you do less than your duty to all of the people. The usefulness of any political party or organization, reaches its end when that party ceases to be fair and just. The majority party in this State has won its triumphs thus far, because it has championed the rights of the people, and has dealt with uniform openness and fairness with them. It will continue to be the dominant party as long as it continues this policy of fairness, but when it outrages right, it will deserve and receive rebuke at the hands of the people.

Code Commission.

Past Legislatures have appropriated thousands of dollars of the people's money in an effort to obtain a sensible codification of the laws of the State. That this codification is necessary, is admitted by all, and no man objects to a reasonable expenditure of money, if the desired result is obtained. The trouble is, the money has been appropriated and used, and no accepted Code has been produced. It is unfortunate that division arose among the members of the Code Commission, as to the proper course to be followed in the progress of that work.

I am not undertaking to say who, if any one, is at fault. This much I do say unhesitatingly, the money expended should have produced a splendid Code. It is no justification of existing conditions to say that other States have spent more money for a like purpose. Other States have frequently done things that we do not care to approve. The Oklahoma spirit is to do things in a proper way, and with the least burden to the people. The tax payers are demanding to know why the work for which their money has been used is not completed. They have a right to make this demand and to know the facts. As the representatives of the people, they are expecting you to protect their interests in the matter.

In a spirit of fairness to both factions of the Commission, this Legislature should investigate the work done, and place the responsibility where it belongs. You should not stop there, but you should continue your labors until a Code is produced. The quarrels and disagreements among the members of the Code Commission are not interesting to the people; the personal ambitions of these excellent gentlemen are of no public importance. What the people want and have paid for, is a satisfactory Code, and nothing short of this will satisfy them.

Court Relief.

The crowded condition of the docket of the Supreme Court of the State, demands serious consideration at your hands. No one will charge

that the members of that Court are not doing their full duty. They are all tireless workers, and each is doing his utmost to relieve the congestion. But there is a limitation placed upon human accomplishment, beyond which, no man can go. Hundreds of cases are now docketed, awaiting a hearing, and the number is daily increasing.

The crowded condition of the docket is a potent factor in still further increasing the number of appeals. The unsuccessful litigant in the lower court, when he realizes that his case, if appealed, cannot be reached for years, is often tempted to appeal his case, in order that he may delay justice. It is not unreasonable to assert that if speedy hearing could be had of all cases appealed, the number of appeals would be materially reduced.

There are three remedies suggested to relieve the situation. First, the addition of other members to the court; second, the creation of a temporary intermediate court, and, third, the limitation of the right of appeal. To me, the first proposition does not appear to offer substantial relief. At any rate, it is questionable how seven men can more quickly decide a question than five can. The second remedy proposed would give temporary relief, for whatever work was given to that court would be taken from the existing court, and the docket could be cleared in a reasonable length of time. The objection to this proposition is that it would materially increase the court expenses of the State, and offer no permanent relief; for as soon as the court was abolished, the present condition would likely return. The third remedy would afford permanent relief, without added cost to the people, and would not injure litigants. Give final jurisdiction to District Courts in all cases where the amount involved does not exceed five hundred dollars, and you will give permanent relief to the Supreme Court.

I hope there will be no serious attempt made on your part to make wholesale changes in existing laws. The majority of the people of the State want to see conditions become settled in Oklahoma, and this can never be, as long as our laws are the subject of constant change. Taken as a whole, the laws of the State are admirable, and the people want to see them "tried out." Where experience has shown that weakness exists, that fault should be corrected, but it is not fair to condemn the entire law, because there happens to be an objectionable section therein. The modern tendency is to grind out laws without regard to needs or results, as if the merits of a Legislative body were to be determined by the number of laws passed. The result is, that few lawyers have a knowledge of the laws, while the average citizen is completely bewildered and lost in the interminable maze. Fewer laws in simpler language and more readily understood, and more effectively enforced, will find favor among the masses of the people, and will bring into being an era of prosperity and growth not hitherto known.

I trust that your deliberations will be pleasant to you, and profitable to the people of the

State. It will at all times, be a pleasure for me to render you any assistance in my power, and I trust that you will feel no hesitancy in calling upon me for any information that you may desire, that it is in my power to supply.

Respectfully,

LEE CRUCE, Governor.

UNIVERSITY OF ILLINOIS-URBANA



3 0112 122703223